

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

PACIFICORP, an Oregon  
corporation,

Plaintiff,

3:10-cv-00099-PK

OPINION AND ORDER

NORTHWEST PIPELINE GP, a  
Delaware Partnership, and GAS  
TRANSMISSION NORTHWEST  
CORPORATION, a California  
corporation,

Defendants.

---

PAPAK, Judge:

On November 9, 2011, this Court issued an Opinion and Order granting in part and denying in part defendants' motions to extend deadlines for expert disclosure (#143) and to compel discovery (#144.) Defendants now informally seek to clarify aspects of that ruling regarding further deadlines for expert disclosures. I provide the requested clarity in this Opinion and Order, which does not substantially alter my November 9<sup>th</sup> ruling.

On May 18, 2011, this court initially set an expert disclosure schedule requiring defendants to exchange “expert witness statements,” including both what may be referred to as affirmative and rebuttal expert reports, followed by an opportunity for plaintiff to provide rebuttal expert witness statements. (#90.) My intention with the November 9<sup>th</sup> ruling was to depart from the structure outlined in the May 18<sup>th</sup> order and to separate defendants’ affirmative expert reports and rebuttal expert reports, since defendants demonstrated only that they required additional time to rebut plaintiff’s initial expert reports. Indeed, I found that defendants’ were entitled to 75 additional days to file *rebuttal* expert reports in order to effectively respond to certain discovery upon which plaintiff’s experts Dr. Kemal and Dr. Peters relied in their initial reports, but which plaintiff either never received or received only recently. However, these delays in plaintiff’s production should not have affected defendants’ ability to prepare and exchange affirmative aspects of their expert reports, those which did not respond to plaintiff’s reports.

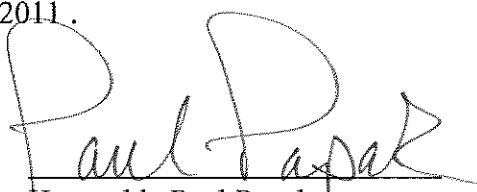
Thus, I order exchange of expert disclosures and reports as follows:

- Defendants affirmative expert disclosures *and* accompanying reports required by Fed. R. Civ. P. 26(a)(2)(B) are due within seven days, in light of defendants request for “reasonable additional time” to allow their experts to reconfigure their reports and segregate rebuttal issues from non-rebuttal issues.
- Plaintiff’s rebuttal expert disclosures and reports are due within 28 days.
- Defendants’ rebuttal expert disclosures and reports are due 75 days after the date of my November 9<sup>th</sup> ruling, by January 23, 2011.
- The dispositive motion deadline is reset to February 22, 2012, 30 days after the deadline

for defendants' rebuttal disclosures and reports, and expert discovery is allowed until that date.

IT IS SO ORDERED.

Dated this 17<sup>th</sup> day of November, 2011.



Honorable Paul Papak  
United States Magistrate Judge